



City of Seattle

Department of Planning and Development  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3013900

**Applicant Name:** Nazim Nice

**Address of Proposal:** 5199 South Spencer Street

**SUMMARY OF PROPOSED ACTION**

Land Use Application to subdivide one parcel into two parcels of land in an environmentally critical area (ECA). Proposed parcel sizes are: Parcel A) 13,882 sq. ft. and Parcel B) 9,601 sq. ft. Existing single family residence on proposed Parcel A to remain, attached garage on proposed Parcel B to be removed.

The following approval is required:

**Short Subdivision** - to subdivide one existing parcel into two parcels.  
(Seattle Municipal Code Chapter 23.24)

**SEPA - Environmental Determination** (Seattle Municipal Code Chapter 25.05)

**SEPA DETERMINATION:** ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS  
☐ DNS with conditions  
☐ DNS involving non-exempt grading, or demolition, or  
involving another agency with jurisdiction.

**BACKGROUND DATA**

Zoning: Single Family 9600 (SF 9600).

Uses on Site: The property is developed with one existing single family residence with an attached garage.

Site and Area Description:

The 23,483 square-foot site is located in a Single Family (SF 9600) zone with a 9,600 square foot minimum lot size. This corner lot has street frontage with street improvements on both S Spencer St and 52<sup>nd</sup> Avenue S.

The property includes Steep Slope Critical Area, but the proposal has received an exemption from the steep slope development standards as follows: "...the area of Steep Slope is already developed with previous grading. For this reason, the site qualifies for the Limited Steep Slope Exemption criteria described in SMC 25.09.180 B2a. No ECA Steep Slope Variance will be required, and this exemption can be applied to a short plat. Except as described herein, the remaining ECA Submittal, General, and Landslide-Hazard Standards, and related criteria, apply to the project. DPD, September 7, 2012"

Public Comment:

Notice of the proposal was originally issued on September 20, 2012. The original comment period through October 10, 2012 was extended at public request to October 24, 2012. 8 comment letters were received. Most are speculative about the potential future house on the newly created lot.

**ANALYSIS - SHORT SUBDIVISION**

General short subdivision standards: Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition, or deny a short plat:

1. *Conformance to the applicable Land Use Code provisions, as modified by this chapter;*  
**COMPLIES**
2. *Adequacy of access for pedestrians, vehicles, utilities and fire protection as provided in Section 23.53.005, Access to lots, and Section 23.53.006, Pedestrian access and circulation;*  
**COMPLIES**
3. *Adequacy of drainage, water supply and sanitary sewage disposal;* **Sewage**  
**CONDITIONED**
4. *Whether the public use and interests are served by permitting the proposed division of land;*  
**COMPLIES, see Summary**
5. *Conformance to the applicable provisions of Section 25.09.240, Short subdivisions and subdivisions, in environmentally critical areas;* **COMPLIES**
6. *Whether the proposed division of land is designed to maximize the retention of existing trees;*  
**COMPLIES**
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouse, rowhouse, and cottage housing developments as permitted in Single-Family, Residential Small Lot, and Low-rise zones and for single-family dwelling units in Low-rise zones, or any combination of the above types of residential development, as permitted in the applicable zones;* **NOT APPLICABLE**
8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two or more lots from one lot with more than one existing single-family dwelling unit.* **NOT APPLICABLE**
9. *Every lot except unit lots and lots proposed to be platted for individual live-work units in zones where live-work units are permitted, shall conform to the following standards for lot configuration, unless a special exception is authorized under subsection 23.24.040.B:*

- a. *If a lot is proposed with street frontage, then one lot line shall abut the street for at least 10 feet; and **COMPLIES***
- b. *No lot shall be less than 10 feet wide for a distance of more than 10 feet as measured at any point; and **COMPLIES***
- c. *No proposed lot shall have more than six separate lot lines. The lot lines shall be straight lines, unless the irregularly shaped lot line is caused by an existing right-of-way or an existing lot line; and **COMPLIES***
- d. *If the property proposed for subdivision is adjacent to an alley, and the adjacent alley is either improved or required to be improved according to the standards of Section 23. 53.030, then no new lot shall be proposed that does not provide alley access, except that access from a street to an existing use or structure is not required to be changed to alley access. Proposed new lots shall have sufficient frontage on the alley to meet access standards for the zone in which the property is located. **NOT APPLICABLE***

### **SUMMARY – SHORT SUBDIVISION**

Based on information provided by the applicant, referral comments from DPD, Water (SPU), Fire Department (SFD), and Seattle City Light, and review by the Land Use Planner, the above-cited criteria have been met. The lots to be created by this short subdivision will meet all minimum standards set forth in the Land Use Code, and are consistent with applicable development standards. This short subdivision can be provided with vehicular access, public and private utilities and access (including emergency vehicles). Adequate provisions for drainage control, water supply and sanitary sewage disposal (**as conditioned**) have been provided for each lot, and service is assured, subject to standard conditions governing utility extensions.

Applicant asserts the existing residence is proposed to remain, and is to be remodeled to provide an interior garage, with reuse of an existing driveway and curb cut. The newly created lot (Parcel B) meets the legal minimum size of 9,600 sq. ft. and provides a buildable site within the required setbacks in the SF 9600 zone. The existing curb cut onto this Parcel B could be reused, and 2 of 4 existing curb cuts on the site could be decommissioned, improving public safety. The proposal is compliant with SMC 23.24.040.A.9 regarding the shape and dimensions of any newly created lot. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City.

### **DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **GRANTED WITH CONDITIONS.**

## **ANALYSIS - SEPA**

Due to the presence of landslide prone environmentally critical areas, the application is subject to SEPA review. SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical areas (ECA) regulations in SMC 25.09; and 2) evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review included identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated November 24, 2009. The information in the checklist, supplemental information provided by the applicant and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered.

Codes and development regulations including the Land Use Code and Environmentally Critical Area Ordinance applicable to this proposed short subdivision will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

## **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

**CONDITIONS - SHORT SUBDIVISION**

1. Prior to recording, unless an alternative side sewer easement is acceptable to DPD, the short plat legal description shall be revised to provide a side sewer easement for the existing side sewer, to cross over Parcel B in order to continue serving Parcel A. Parcel A should include "together with a side sewer easement created herein". Parcel B should include "subject to a side sewer easement created herein". The actual easement language should be the same as the standard side sewer easement on the DPD web site, which calls for a six foot wide easement along the line as constructed.

**CONDITIONS - SEPA**

None.

Signature: (signature on file)  
Garry Papers, Senior Land Use Planner  
Department of Planning and Development

Date: November 8, 2012